

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

EILEEN POLIZZI, FUND MANAGER
of the TEAMSTERS LOCAL 404
HEALTH SERVICES AND INSURANCE PLAN,
Plaintiff,
 v.
N&B EXPRESS, INC. and JAMES CAPELLI,
Defendants,
 and
BANK OF WESTERN MASSACHUSETTS,
Trustee.

C.A. No. 05-30183-MAP

DEFAULT JUDGMENT

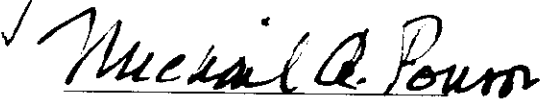
Ponsor, D.J.

This matter came before this Court, upon notice to the Defendant, James Capelli, on the motion of the Plaintiff, Eileen Polizzi, Fund Manager of the Teamsters Local 404 Health Services and Insurance Plan, based upon the Defendant having failed to plead, answer or otherwise defend in this action and whose default having been entered on November 7, 2005.

The affidavit of Eileen Polizzi demonstrates that the Defendant currently owes Plaintiff the sum of \$74,157.46 in delinquent payments, and that the Defendant is not an infant, incompetent person, or in the military service of the United States; The affidavit of Matthew Dwyer demonstrates that the Plaintiff has spent \$ 294.40 in costs, and \$11,115 in attorney's fees in this matter; Now therefore, it is hereby ORDERED, ADJUDGED AND DECREED:

that the Plaintiff shall recover from Defendant, James Capelli, the sum of \$ 85,566.86, costs to be taxed by the Clerk.

Dated: Dec. 29, 2005

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Hon. Michael Ponsor
UNITED STATES DISTRICT JUDGE